REMARKS/ARGUMENTS

Claims 1-16 are pending in the application. The Examiner has rejected claims 1-16. Applicant respectfully requests reconsideration of pending claims 1-16.

In response to the previous Office action, Applicant submitted amendments to the specification to include identifying information (e.g., application numbers, filing date) of co-pending applications referenced in the specification. However, Applicant notes certain indications (e.g., underlining, double square brackets) appear not to have printed properly. Thus, Applicant resubmits the previously submitted amendments to the specification in a form that includes such indications. Applicant submits no new matter has been added and the omission of the indications in the previous response was inadvertent.

The Examiner has rejected claims 9 and 10 under 35 U.S.C. § 102(e) as being anticipated by Hansen, U.S. Patent No. 6,772,204. Applicant respectfully disagrees.

Regarding claim 9, Applicant submits the cited reference fails to disclose the features of claim 9. For example, while the Examiner previously acknowledged, "Hansen does not teach a logical link database for storing logical configuration links," the Examiner now alleges Hansen teaches such, citing column 13, lines 40-48, and stating, "It is inherent there is a database for storing a list of available connection interface overlayed on the network configuration map." While the Examiner asserts a rejection based on inherency, Applicant submits that the teachings of the cited reference fail to establish inherency in accordance with existing law. For example, Applicant submits that the Examiner has failed to establish that the public gained the benefit of the subject matter recited in claim 9 from the teachings of the cited reference. *Schering Corp. v. Geneva Pharmaceuticals*, 339 F.3d 1373 (Fed. Cir. 2003). As another example, Applicant submits that the Examiner has failed to establish that the subject matter recited in claim 9 is present in the teachings of the cited reference. *Mentor v. Medical Device Alliance*, 244 F.3d 1365 (Fed. Cir. 2001); *Scaltech v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999). Thus, Applicant submits that the subject matter recited in claim 9 cannot be considered to be inherent in the teachings of the cited reference. Accordingly, Applicant submits the Examiner has failed to satisfy the burden of proof required for asserting a rejection based on inherency. Therefore, Applicant submits that the Examiner has not shown claim 9 to be anticipated by the cited reference. Consequently, Applicant submits claim 9 is in condition for allowance.

Regarding claim 10, Applicant submits the cited reference fails to disclose the features of claim 10. For example, claim 10 depends from claim 9, and Applicant has presented reasons for the allowability of claim 9. Thus, Applicant submits claim 10 is also in condition for allowance.

The Examiner has rejected claims 1-8 and 11-16 under 35 U.S.C. § 103(a) as being unpatentable over Hansen, U.S. Patent No. 6,772,204 in view of Lam et al., U.S. Patent No. 6,381,237. Applicant respectfully disagrees.

Regarding claim 1, the Examiner acknowledges, "Hansen does not teach creating a new logical configuration link when the local interface and next neighbor information is not associated with any of the logical configuration links in the logical link database and storing the new logical configuration link in the logical link database," but alleges that Lam does, citing column 9, lines 1-6, of Lam. In the Examiner's Response to Arguments, the Examiner alleges, "Lam teaches creating a subnet network connection or a logical configuration link when it is missing from the trail database. (col. 8, lines 52-64) The missing subnet network connection is the connection between the local interface and next neighbor information because during the construction of the connection, the learning trail is in fact creating a connection point with the neighboring sub-network. (col. 9, lines 20-53)." Applicant respectfully disagrees.

Applicant submits the cited portions of Hansen and Lam, taken either alone or in combination, fail to render obvious the features of claim 1. For example, Applicant submits the cited portions of Hansen and Lam do not render obvious "creating a new logical configuration link when the local interface and next neighbor information is not associated with any of the logical configuration links in the logical link database." In column 8, lines 52-53, of Lam, as cited by the Examiner, Lam states, in part, "...when an SNC is found only in the network 10 and missing from the trail database 50,...." In column 9, line 38, of Lam, as cited by the Examiner, Lam states, "Finally, the trail learner 48 creates a link connection 92...." As apparently depicted in Fig. 10 of Lam, Applicant submits SNC's, such as SNC1 and SNC2 appear to be distinct from link connection 92. Thus, Applicant submits Lam appears to fail to provide teachings consistent with "determining whether the local interface and next neighbor information is associated with a logical configuration link stored among a plurality of logical configuration links in a logical link database; creating a new logical configuration link when the local interface and next neighbor information is not associated with any of the logical configuration links in the logical link database; [and] storing the new logical configuration link in the logical link database."

As one example, Applicant submits Lam appears to teach creating something different from that which it stores. As another example, Applicant notes, based on Fig. 10 of Lam, SNCs of Lam appear not to enable "determining whether the local interface and next neighbor information is associated with a logical configuration link stored among the plurality of logical configuration links in a logical link database." Thus, Applicant submits the teachings of the cited portions of the Hansen and Lam references cannot be combined to yield the features set forth in claim 1. Moreover, Applicant submits the apparent inconsistency of the teachings of the cited portions of Hansen and Lam vis à vis the features of claim 1 impair the Examiner's alleged motivation to combine the alleged teachings of the cited portions of the Hansen and Lam references.

Also, as noted previously, Applicant notes that the Examiner asserts that Hansen teaches "validating the new logical configuration link," "sending the new logical configuration link to the network device," and "displaying a graphical representation of the new logical configuration link on a display device," yet the Examiner acknowledges, "Hansen does not teach creating a new logical configuration link...." Applicant submits that Hansen's acknowledged failure to disclose "creating a new logical configuration link..." impairs the Examiner's argument that Hansen teaches "validating the new logical configuration link," "sending the new logical configuration link to the network device," and "displaying a graphical representation of the new logical configuration link on a display device." While the Examiner states, in the Examiner's Response to Arguments, "Although Hansen fails to teach creating a new logical configuration link, Hansen is not prevented from validate the logical configuration link one the linked is created using Lam's method," Applicant notes the apparent inconsistency of the teachings of the cited portions of the Hansen and Lam references, as discussed above, and the apparent tenuousness of alleging that a reference teaches validating a new logical configuration link while admitting that the same reference fails to teach creating the new logical configuration link.

In the Examiner's Response to Arguments, the Examiner also states, "Hansen teaches this limitation because "a list of available connection interface overlayed on the network configuration map" is a plurality of configuration links in a logical link database," citing column 13, lines 40-48. Applicant notes claim 1 recites, "determining whether the local interface and next neighbor information is associated with a logical configuration link stored among a plurality of logical configuration links in a logical link database." Applicant submits the Examiner's alleged teaching in

Hansen of "a plurality of configuration links in a logical link database" blurs any distinction of what the Examiner would allege to be "the local interface" and "the plurality of logical configuration links in a logical link database." Thus, Applicant submits the Examiner's interpretation of the teachings of the Hansen reference cannot be reconciled with the features recited in claim 1.

In the Examiner's Response to Arguments, the Examiner also states, "The examiner interprets determining connectivity in a network to be the same as determining local interface and neighbor information for the network device," citing column 10, lines 62-66, which state, in part, "The trail explorer...may not only explore connectivity...." Applicant submits a mere reference to "explore connectivity" fails to disclose the features "determining local interface and next neighbor information for the network device," as the cited portion does not appear to disclose "local interface," "next neighbor information," or "network device." For the foregoing reasons, Applicant submits claim 1 is in condition for allowance.

Regarding claim 2, the Examiner appears to allege the same teachings based on the same portions of the same references as in the previous Office action. Applicant reiterates Applicant's previous arguments for the allowability of claim 2. Thus, Applicant submits claim 2 is in condition for allowance.

Regarding claim 3, the Examiner acknowledges, "Hansen does not selecting the link type from among a group consisting of: point-to-point, point-to-IP, and point-to-subnet." The Examiner asserts "official notice that point-to-IP and point-to-subnet link types are notoriously well known in the art of computer networks." Applicant respectfully disagrees and traverses the Examiner's alleged official notice. Applicant submits the Examiner has not presented evidence that such features would have been well known in the art at the time the invention was made. Thus, Applicant submits claim 3 is in condition for allowance.

Regarding claim 4, the Examiner acknowledges, "Hansen does not teach selecting the link numbering type from a group consisting of: a numbered type and an unnumbered type." The Examiner asserts "official notice that the unnumbered link numbering type is notoriously well known in the art of computer networks." Applicant respectfully disagrees and traverses the Examiner's alleged official notice. Applicant submits the Examiner has not presented evidence that such feature

would have been well known in the art at the time the invention was made. Thus, Applicant submits claim 4 is in condition for allowance.

Regarding claim 5, the Examiner acknowledges, "Hansen does not teach the method of claim 2, wherein the step of selecting a link application further comprises the step of: selecting the link application from a group consisting of: Internet Protocol Forwarding, Multiprotocol Label Switching and Internet Protocol Forwarding, and Multi-Protocol Label Switching." The Examiner asserts "official notice that Internet Protocol Forwarding, Multiprotocol Label Switching and Internet Protocol Forwarding, and Multi-Protocol Label Switching are notoriously well known in the art of computer networks." Applicant respectfully disagrees and traverses the Examiner's alleged official notice. Applicant submits the Examiner has not presented evidence that such features would have been well known in the art at the time the invention was made. Thus, Applicant submits claim 5 is in condition for allowance.

Regarding claim 6, the Examiner acknowledges, "Hansen does not teach the method of claim 2, wherein the step of selecting a sub layer interface type further comprises the step of: selecting the sub layer interface type from a group consisting of: Packet Over Sonet, Asynchronous Transfer Mode, and GigEthernet." The Examiner asserts "official notice that Packet Over Sonet, Asynchronous Transfer Mode, and GigEthernet are notoriously well known in the art of computer networks." Applicant respectfully disagrees and traverses the Examiner's alleged official notice. Applicant submits the Examiner has not presented evidence that such features would have been well known in the art at the time the invention was made. Thus, Applicant submits claim 6 is in condition for allowance.

Regarding claim 7, the Examiner acknowledges, "Hansen does not teach the method of claim 1, further comprising the step of: modifying a logical configuration link in the logical link database," but asserts that Lam does, citing column 10, lines 8-15, of Lam. Applicant has already noted the apparent inconsistency of the teachings of Lam et al. with the features recited in claim 1, from which claim 7 depends. In light of such apparent inconsistency, Applicant further submits that "update the trail database 50" of Lam et al., as described in column 10, lines 8-15, fails to disclose "modifying a logical configuration link in the logical link database," as recited in claim 7. Thus, Applicant submits that claim 7 is in condition for allowance.

Regarding claim 8, the Examiner asserts that Hansen teaches "deleting a logical configuration link the logical link database" in column 13, lines 37-39. Applicant has already noted the apparent failure of Hansen to disclose the features recited in claim 1, from which claim 8 depends. In light of such apparent failure, Applicant further submits that "proposed connection is then deleted" of Hansen, as described in column 13, line 37, fails to disclose "deleting a logical configuration link in the logical link database," as recited in claim 8. For example, Hansen recites a "*proposed* connection," not "a logical configuration link." Moreover, Applicant can find no mention in the cited portion of Hansen of "in the logical link database." Thus, Applicant submits that claim 8 is in condition for allowance.

Regarding claim 11, the Examiner acknowledges, "Hansen fails to teach wherein the processing system determine local interface and next neighbor information for the network device." The Examiner asserts, "Lam teaches creating a new logical configuration link when connection information is not associated with any of the logical configuration links in the logical link database and storing the new logical configuration link in the logical link database," citing column 9, lines 1-6, of Lam. However, Applicant notes the Examiner does not appear to allege that Lam teaches "wherein the processing system determines local interface and next neighbor information for the network device." Thus, Applicant submits the Examiner has not presented any rationale to support rejection of claim 11, and, even if an attempt were made to combine the teachings of Hansen and Lam, such attempt would not yield the features recited in claim 11. Therefore, Applicant submits claim 11 is in condition for allowance.

Regarding claims 12-16, the Examiner states, "they all recite limitation that are addressed in the rejection for claim 1-8 and are rejected in the same rationale as they rejected in claim 1-8." Applicant has presented reasons for the allowability of claims 1-8. To whatever extent the Examiner relies on the same rationale for rejecting claims 12-16, Applicant reiterates Applicant's arguments presented above regarding such rationale. Thus, Applicant submits claims 12-16 are in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

11/18/2005

Date

Ross D. Snyder, Reg. No. 37,730
Attorney for Applicant(s)
Ross D. Snyder & Associates, Inc.
PO Box 164075
Austin, Texas 78716-4075
(512) 347-9223 (phone)
(512) 347-9224 (fax)